

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ALLEN ALPHONZO ADAMS,

Petitioner,

v.

BRUCE CHAPMAN and
BRIAN OWENS, Commissioner of the
Georgia Department of Corrections,

Respondents.

CASE NO. 5:09-CV-306 (HL)
28 U.S.C. § 2254

ORDER

This case is before the Court on the Report and Recommendation (Doc. 6) ("R & R") of United States Magistrate Judge Claude W. Hicks, Jr. on Petitioner Allen Alphonzo Adams' Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254 (Doc. 1).

Adams' petition addresses two convictions in Putnam County Superior Court, one in 1992 and one in 2007. Adams has filed two previous habeas petitions relating to the 1992 conviction, both of which were found to be untimely and were dismissed with prejudice. The R & R recommends dismissing the petition as to the 1992 conviction as Adams has not applied to the Eleventh Circuit for permission to file a successive habeas petition as required by 28 U.S.C. § 2244(b)(3)(4).

Adams has filed an objection (Doc. 11) and a traverse (Doc. 12) to the R & R. Pursuant to 28 U.S.C. § 636(b)(1), the Court has thoroughly considered Adams'

objection and traverse, but notes that neither of these documents address the issue of whether Adams' petition as to the 1992 conviction should be dismissed as successive.

Nevertheless, the Court has made a *de novo* review of the R & R. The Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The R & R (Doc. 6) is adopted and made the order of this Court. Adams' Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254 (Doc. 1) is dismissed with prejudice as to the 1992 conviction only. The remainder of the case relating to the 2007 conviction shall continue to proceed before Magistrate Judge Hicks.

SO ORDERED, this the 21st day of October, 2009.

s/ **Hugh Lawson**
HUGH LAWSON
UNITED STATES SENIOR JUDGE

mbh